

SENATE RECORD VOTE ANALYSIS

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Vote No. 98

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Page S-4616 Temp. Record

AUTHORIZING ANY FORCE DEEMED NEEDED IN KOSOVO/Rejection

SUBJECT: A resolution authorizing the President to use any force he deems necessary to accomplish United States and NATO objectives in Kosovo . . . S.J. Res. 20. Lott motion to table the resolution.

ACTION: MOTION TO TABLE AGREED TO, 78-22

SYNOPSIS: As reported without recommendation (no recommendation was given in order to avoid providing a precedent that indicated support for the opinion that the War Powers Act is constitutional), S.J. Res. 20, will resolve that "the President is authorized to use all necessary force and other means, in concert with United States allies, to accomplish United States and North Atlantic Treaty Organization objectives in the Federal Republic of Yugoslavia (Serbia and Montenegro)." The resolution also will find that the United States and its allies in the North Atlantic Treaty Organization (NATO) are conducting large-scale military operations against Yugoslavia; and that Yugoslavia has refused to comply with NATO demands that it withdraw its military, paramilitary, and security forces from the province of Kosovo, allow the return of ethnic Albanian refugees to their homes, and permit the establishment of a NATO-led peacekeeping force in Kosovo.

Background:

Kosovo is a province of Serbia. Estimates of Kosovo's population (prior to the commencement of the ongoing NATO bombing campaign) generally range between 1.5 million to 2 million people (there are approximately 9.5 million ethnic Serbians in Serbia). Kosovo has had a mixed Albanian and Serbian population for hundreds of years; at the beginning of this century there were approximately equal numbers of Serbians and Albanians. Serbians are Orthodox Christians; Albanians, since they converted from Christianity en masse under Turkish rule 500 years ago, are mostly Moslem (though 10 percent of Kosovo's ethnic Albanians are Roman Catholic). A major population shift occurred during World War II, when Kosovo was attached to the Axis puppet state of Albania and Albanians actively drove Serbians out. After the war, Serbia was given back its province. Serbia became a republic in the federal system established in Yugoslavia under Tito's communist rule. Tito gave Kosovo broad autonomous status and the population shift was continued. Kosovar Serbians displaced during the war were blocked from returning, more Serbians left (largely due to continuing discrimination and violence against them), and more Albanians were allowed to enter Kosovo. By 1989, when the communist dictator

(See other side)

YEAS (78)				NAYS (22)		NOT VOTING (0)	
Republican (46 or 84%)		Democrats (32 or 71%)		Republicans (9 or 16%)	Democrats (13 or 29%)	Republicans (0)	Democrats (0)
Abraham	Helms	Akaka	Kennedy	Cochran	Bayh		
Allard	Hutchinson	Baucus	Kerrey	DeWine	Biden		
Ashcroft	Hutchison	Bingaman	Kohl	Hagel	Bryan		
Bennett	Inhofe	Boxer	Levin	Hatch	Cleland		
Bond	Jeffords	Breaux	Lincoln	Lugar	Dodd		
Brownback	Kyl	Byrd	Mikulski	Mack	Graham		
Bunning	Lott	Conrad	Moynihan	McCain	Inouye		
Burns	Murkowski	Daschle	Murray	McConnell	Kerry		
Campbell	Nickles	Dorgan	Reed	Smith, Gordon	Landrieu		
Chafee	Roberts	Durbin	Reid		Lautenberg		
Collins	Roth	Edwards	Rockefeller		Leahy		
Coverdell	Santorum	Feingold	Sarbanes		Lieberman		
Craig	Sessions	Feinstein	Schumer		Robb		
Crapo	Shelby	Harkin	Torricelli				
Domenici	Smith, Bob	Hollings	Wellstone				
Enzi	Snowe	Johnson	Wyden				
Fitzgerald	Specter						
Frist	Stevens						
Gorton	Thomas						
Gramm	Thompson						
Grams	Thurmond						
Grassley	Voinovich						
Gregg	Warner						

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

Milosevic consolidated his control over Serbia and revoked a large part of the autonomy Kosovo had been given under Tito, Kosovo, by some estimates, was 90 percent Albanian/10 percent Serbian. After that revocation of autonomy, Kosovar Albanians declared a boycott of Serbian institutions and made their own shadow government. The leader of that shadow government, Rugova, unilaterally declared that Kosovo was independent in 1991. Rugova has pursued a peaceful resolution of Kosovo's status.

Albanian guerrilla elements gradually formed the Kosovo Liberation Army (KLA), and in 1996 began armed attacks, including terrorist attacks against Serbian and ethnic Albanian civilians (they attacked ethnic Albanian civilians who opposed armed conflict). The Milosevic regime responded with intensified repression and heavy paramilitary police force.

The Clinton Administration officially opposes changes in international boundaries. However, it has supported Kosovo regaining its former extensive autonomous status (Serbia and Montenegro together comprise all that is left of Yugoslavia; the other republics are independent states). Administration officials have left unclear whether they believe that giving it that status would mean that it would then have the right to declare its independence, but they have made statements that indicate that eventually they believe that Kosovo would have that right. As the Clinton Administration and its NATO allies increased pressure on Serbia it increased its repression in Kosovo. Both the level of threats and the level of violence escalated. The United States threatened to bomb Serbia unless it negotiated on Kosovo's status. On October 25, 1998, Serbia signed a cease-fire agreement with NATO (though the KLA did not have any requirement to stop hostilities); that agreement also required Serbia to limit the number of forces it had in Kosovo and allowed international monitors. The fighting intensified despite that agreement. The United Nations estimated that at least 2,000 people were killed and another 170,000 fled Kosovo in the year before the bombing campaign began.

The United States drew up a settlement plan that was accepted by the Kosovar Albanians and NATO but not by the Serbians. That plan (which was not made public until after the bombing began) would give Kosovo broad autonomy, would have NATO station 28,000 troops in Kosovo, would require Serbia to withdraw its forces, and would require the disarming of the KLA. There would be a review of Kosovo's political status in 3 years. An alternative proposal was advanced by Russia. That plan was similar. The key differences were that it would have a non-NATO international force occupy Kosovo and questions would not be raised regarding whether Kosovo would be separated from Serbia. The Clinton Administration sought NATO support for bombing Serbia until it agreed to the terms of the plan drawn up by the United States. NATO countries unanimously gave that support, but only on the condition that the United States agree to send ground troops to Kosovo as part of the 28,000 troop contingent. President Clinton agreed to send 4,000 ground troops (for related debate, see vote No. 55). The Senate voted to authorize bombing Serbia, though the President had not sought any congressional authorization for proceeding (see vote No 57).

Bombing began on March 24. Serbian forces then began large-scale effort to drive ethnic Albanians from Kosovo. The vast majority of the bombing has been by the United States. In the past 6 weeks, approximately 650,000 ethnic Albanians have fled to neighboring countries, and hundreds of thousands more are estimated to have been driven from their homes and are in hiding in Kosovo. President Clinton has repeatedly stated that United States ground forces will not be sent to fight in Kosovo.

Those favoring the motion to table contended:

Argument 1:

We have made this motion to table for procedural reasons. The Parliamentarian ruled that the language of this resolution required us to consider it under the terms of the War Powers Act. Many of us have serious questions as to the constitutionality of that Act, but we are nevertheless constrained by the rules to consider this resolution instead of other matters. We wanted to postpone action on this resolution while the Majority Leader and Minority Leader worked to find compromise language that everyone supported, but an objection was raised to a postponement.

The language in this resolution is premature. In practical effect it will authorize the use of ground troops. The Administration has not asked for that authority. Instead, it is continuing with its bombing strategy. Also, there appear to be some efforts underway to find a negotiated settlement, and we ought to encourage those efforts. We think the debate on all necessary force, or ground troops, should have been delayed until the Administration indicated it thought they were needed. Due to the objection to postponing the debate, our only alternative to delay matters is to move to table the resolution. At some future date, we may well be willing to consider language along the lines of this resolution, but we are not willing to consider it now.

Argument 2:

When you find yourself in a hole the first thing you should do is stop digging. This resolution follows exactly the opposite advice. President Clinton has seriously weakened the United States' national security throughout his tenure in office. He has slashed military spending, he has weakened Armed Forces' morale and degraded defense capabilities by continually involving United States forces in conflicts around the world that do not involve vital United States interests, and he has encouraged tyrants around the world with his feckless, irresolute responses to their dangerous behavior. Now, though, he has outdone himself with his attack on Serbia. That attack, which was to force Serbia into an agreement that would essentially force it to cede part of its territory, has led to massive ethnic

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cleansing, has led to a resurgence of militant nationalism in Russia which may turn that friendly nation back into a dangerous enemy, has so far failed so dismally that it calls into question whether NATO can (or should) survive, and has squandered a huge part of the Social Security surpluses on a war that the United States never should have started. Many Senators must take part of the responsibility for what has happened to date, because they voted in support of the bombing campaign. They should admit now that they were wrong by voting to table this resolution. They should not compound their error by giving the President a blank check so that he can send Americans to fight and die in Kosovo. It is time to stop digging.

Since coming to power, President Clinton has degraded the United States national security. He started by making deep cuts in defense spending. Military strength has been cut in half from what it was under President Bush in 1991, during the Gulf War. We have one-half the Army divisions, one-half the tactical air wings, and one-half the ships. Further, the military forces that remain are over-deployed, under-trained, and under-equipped. This President has been very quick to risk the lives of the men and women of our Armed Forces. Between 1945 and 1990, the U.S. Army was deployed only 10 times; since 1991, it has been deployed 32 times, usually without any congressional authorization, to one trouble spot after another around the world.

President Clinton's frequent use of the military has had poor results. In Bosnia, where United States forces were sent after the war was over, billions of dollars of spending have done next to nothing to stitch that country back together (democracy-building steps that the peacekeeping forces have taken in Bosnia have included the removal of democratically elected leaders whom the peacekeepers did not like and censorship of the media). No end is in sight to the occupation of Bosnia. In Haiti, the long-standing U.S. occupation has failed to build democracy, and has destroyed most of the little private enterprise that existed in that hapless country. In Somalia, his exercise in nation-building resulted in the deaths of American soldiers and a rapid retreat of our forces. In Iraq, his continual caving to Saddam Hussein was capped off with a bombing campaign that failed to get Hussein to comply with weapons inspectors. Now Iraq is able to pursue its dream of making weapons of mass destruction without any interference from such inspectors, who have been kicked out of Iraq. Last year, he tried bombing a terrorist organization in Sudan, in a move that many thought was intended to delay the impeachment hearings against him; that terrorist organization remains active, and may even have elements within the armed resistance in Kosovo. During President Clinton's tenure, the world has learned that the United States is willing to use force, but will quickly lose resolve when challenged.

Some of our colleagues say that we cannot let that lesson be the lesson from Kosovo. In this case, they say that we cannot lose because the stakes are much higher. We believe they are right about the stakes being higher. The damage that can come from this conflict are greater than all of the damage of his other military and foreign policy disasters. Thanks to his mishandling of Iraq, that exceedingly dangerous country will probably soon have nuclear weapons and ballistic missiles that can strike the United States. Still, the likely threat of nuclear attack from Iraq is not as great as the dangers posed by the war in Kosovo. Similarly, his foreign policy blunder of giving massive bribes to North Korea to get it to stop its nuclear and missile development programs (those bribes were given after North Korea was repeatedly caught violating its commitment not to have such programs; North Korea has now tested a multi-stage missile and press reports say that North Korea has been found to have a secret, and massive, nuclear development program) also has not resulted in as much danger for Americans as is posed by the current war. Not even the President's blind embrace of China, which may have gone so far as to have him try to hide from Congress the fact that China had stolen the plans for the United States' most advanced nuclear warhead, has created risks that are as great as the risks from the current bombing war. The most dangerous possible outcomes from this war (win or lose) are that NATO may fall apart, leaving Europe unstable and in danger of erupting into warfare, and that Russia may again become a major and hostile world power against which the United States will have to spend hundreds of billions of dollars to defend itself. We believe that by getting involved in this war, the United States has already harmed its national security interests, no matter what the outcome. Unlike our colleagues, we do not believe that our goal must now be to win; it must be to limit the damage, and most particularly it must be to avoid the two worst possible outcomes noted above. If "winning" can achieve those outcomes, we will support winning.

Serbia, under its dictator Milosevic, had generally given Kosovar Albanians more freedoms than it gave to other Serbians before a guerrilla secessionist movement began in Kosovo. Once that movement began Milosevic responded brutally. President Clinton's response was to draft a peace plan that would require autonomy in Kosovo, with a tacit understanding that there would be a vote in 3 years on whether it would be independent. With a 90-percent Kosovar Albanian population, the result of that vote would be a foregone conclusion. During those 3 years, NATO would occupy Kosovo and would be allowed to occupy the rest of Serbia as well. Would President Lincoln have accepted it if a European power had said it intended to occupy the South for 3 years and then let it vote on whether it would secede? President Clinton demanded that Milosevic sign on the dotted line, and got NATO agreement to start a bombing campaign until he agreed. As soon as the bombing started, Milosevic started emptying Kosovo of its mostly ethnic Albanian population. By all accounts, the ethnic cleansing has been brutal and thorough, and has included thousands of war crimes.

The Clinton Administration knew that ethnic cleansing could result from the bombing campaign. The Italian Prime Minister reported that the President told him that if Milosevic did not back down when bombed an estimated 300,000 to 400,000 refugees would pass into Albania and go from there to Italy. General Wesley Clark, who is conducting the campaign, said "We never thought air power alone could stop the paramilitary tragedy . . . everyone understood it." Secretary of Defense Cohen has said that the Administration understood that "Milosevic could take action very quickly and that an air campaign could do little, if anything, to stop him." In short, President Clinton's military advisors told him that a bombing campaign would likely start ethnic cleansing and could not stop it, yet that is the

course he committed to following.

The President has given two broad justifications for the campaign. The first is for the humanitarian purpose of stopping ethnic cleansing. That purpose is noble, but can the United States afford to be the world's policeman? Does it have the will? Ethnic cleansing and brutality, on a scale and ferocity larger than is occurring in Kosovo, are common in many places around the world. For instance, in Sierra Leone all the children from many tribes were lined up and their hands were chopped off. In Somalia, more than 1 million people have been murdered and slavery is rampant. China is conducting a campaign to exterminate the Tibetans and repopulate their country with ethnic Han Chinese. Why are the lives of Albanians worth defending for humanitarian purposes, but no concern is shown for anyone else? It is inconsistent and illogical. We suppose that we could say that in some cases other concerns keep us from attacking. For instance, China has nuclear weapons and 1 billion people and would be pretty tough to beat. Further, credible allegations have been made that China has pumped massive amounts of illegal cash into Democratic politicians' campaigns; if true, Democrats may not want to attack China for its ethnic cleansing because that would be like bombing their own ATM. In other cases, particularly in Africa, no such arguments can be made. Those countries are weak, and no national security interests are involved. The difference for Americans, of course, is that they are only aware of the atrocities in Kosovo. They never hear or see newscasts about the refugees from Somalia or Benin or Angola or Rwanda or anyplace else other than Kosovo. Talking about humanitarian concerns is only used to build public support for the bombing campaign. The President's first justification just pumps up the polls in favor of bombing.

The second justification that the President has given is that the United States must stop conflict in the region for strategic reasons. Before the bombing started, we disagreed with that rationale (see vote No. 57), but as a result of the NATO commitment it now has some validity. The President has said that the Balkans lie at the heart of Europe, and that both World Wars started there. That analysis is wrong. First, World War II started because of Nazi aggression far removed from the Balkans. Second, the Balkans are on the fringes of Europe, not at its heart. Third, World War I started in this backwater because the borders of three empires met in the region, and they chose to get involved in a battle there when it started. Thus, the more obvious lesson from history to draw from Balkan conflicts is that if we do not want them to spread we should stay out of them.

It is too late for that now. NATO, for 50 years, preserved the peace in Western Europe, which was no mean feat for a continent that has been the site of continual warfare throughout history. It did so without firing a shot. Its cohesion came from United States leadership (the United States had massive amounts of nuclear weapons and all the other member nations could trust it because it did not have longstanding rivalries with any of them) and from the greater fear of Russian attack. Another huge part of its success is that it stayed focused solely on its own survival. Its mission was purely defensive. Its members became involved in conflicts outside of their own territory, but they did so on their own, not as part of NATO. Had those operations been NATO operations they would have led to strains in the alliance when different countries took different sides in the conflicts. They easily could have led to the end of the alliance.

With this attack we have put NATO's credibility on the line. NATO has vastly superior armaments and a huge advantage in manpower. It unquestionably can impose any solution it wants if it has the will to do so. Do the United States and most of Europe have the will to win a war against a country of about 10 million people? Should it? What constitutes a "win"? What will happen to NATO based on the possible outcomes, and what will happen in Russia? Right now the President is not willing to do what is necessary to achieve a win, as defined by this resolution. Ground troops will be needed to force Serbian forces from Kosovo. Bombing cannot get the job done; air power is a force multiplier for ground troops; without any troops air power is just multiplying by nothing. It is causing damage, but it is not taking territory. If NATO just quits, it will appear to be weak and irresolute. Our colleagues believe that it will then fall apart and that wars throughout Europe may be the eventual result. Certainly that danger exists, but it is not a forgone conclusion. If NATO does not have the will to win in Kosovo it will not mean that it does not have the will to defend its own member nations from attack. That purpose is supposedly why the alliance exists. The lesson from failure in Kosovo would be that NATO's offensive actions outside of its own territory are not credible. In reality, because most of NATO's power is United States' power, and because the United States under this President has repeatedly been shown to be more bluff than substance, the tyrants of the world have already learned this lesson. If NATO were to survive a capitulation to Milosevic, it would be unlikely to get involved in any conflicts outside of its borders for years to come. The greatest threat to NATO from losing would be that its member nations might quit out of a distrust of the United States' willingness to defend them.

If, on the other hand, NATO invades and takes Kosovo, it will cause permanent damage to relations with Russia. Last year, when the Senate voted to expand NATO, many Members opposed expansion because they said that Russians would view it as a hostile action, and they were fearful that communists or militant nationalists might seize control of Russia based on Russian opposition to expansion. Many proponents of expansion, including many of us, said that Russia had nothing to fear because NATO was a defensive alliance. Now, though, NATO has become an offensive alliance. It has involved itself in a civil war outside of its own territory. That civil war is in a country that is closely allied with Russia. Russia still has thousands of nuclear missiles, a large population, and abundant resources. It could easily become a major enemy again. Many of the Senators who opposed NATO expansion because it would threaten Russia have not shown the slightest hesitation in using NATO, not for its historic purpose of collective self-defense, but to impose its will on a Russian ally. Russia is not alone in condemning NATO's actions; China, India, and other major world powers have also opposed the bombing campaign. A "win" in Kosovo could be a Pyrrhic victory if it creates new, huge enemies for the United States and NATO. Further, even if NATO "wins," many NATO members will question whether they ought to stay in the alliance. There are numerous situations around the world like Kosovo; will they be asked to fight, and to pay for, wars in all of those places? What will

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they do when they are asked to fight for causes they do not support? Win or lose, we believe NATO will be weakened by this war. Members must also ask themselves how much they are really willing to pay, in dollars, for winning. Are they really willing to win at "any cost"? This war is being paid for out of the Social Security surpluses--no new revenues are being generated, and no other revenues but those surpluses are available. Our colleagues, and the President, cannot have it both ways. If we squander all of the Social Security surpluses we may well be unable to save Social Security from future collapse. Are our colleagues ready to pay that price? Are they ready to raise taxes? Are they ready to cut other spending?

Throughout most of history, countries have fought limited wars with limited means. The United States, though, has often been different--it has fought with the demand of unconditional surrender. This resolution basically advocates that course. We believe that it could have disastrous results. We ought instead to pursue a course that could preserve NATO and mollify Russia, such as a joint occupation force, perhaps with other conditions such as Milosevic must cede power and leave Serbia. The great dangers we face from this war are that NATO will collapse and that Russia may again become a huge and implacable enemy. Our main goal should not be to do whatever is necessary to have NATO occupy Kosovo, as advocated by this resolution; it should be instead to avoid those two great dangers. We therefore support the motion to table this resolution.

Those opposing the motion to table contended:

The purpose of this resolution is to pressure both the President and Congress into making victory the goal in Kosovo. We are at war against Serbia, and we should admit it, and we should commit to winning the war. Senators have differing opinions on whether we should have gotten involved in the war in the first place, but those opinions are now irrelevant to the debate. Our servicemen and women are now fighting, and they should be allowed to do what it takes to win. If anything less than victory is achieved, America's values will be severely compromised and its national security interests crippled.

President Clinton started this war without clearly stated objectives and without the will to do what it takes to win. He has yet to exercise the required leadership. As always, he is proving capable only of exercising followship. He has conducted polls, he has found out that Americans do not support using ground troops, and he has announced repeatedly to the world that he not only will not use ground troops, but he will not even allow any contingency planning for them should he change his mind (which he would do if the polls shifted in favor of sending ground troops).

Those announcements, of course, have been heard in Serbia as well as in America. Upon hearing that the worst that America would dare do to stop him is conduct a bombing campaign, Serbia's Milosevic was no doubt encouraged. He made the calculation that his military forces would be able to withstand such an attack largely intact and, on that basis, felt free to begin his reign of terror in Kosovo. Further, he knew that if the United States and NATO bombed Serbia, it would fan Serbian nationalism and would increase support among Serbians for his dictatorial rule. Milosevic has held power in Serbia by conducting one genocidal campaign after another; in the past decade, he has now started four such campaigns. He plays on ancient enmities and nationalist sentiment to retain power.

Like our colleagues, we are appalled by President Clinton's decimation of our military might throughout his presidency, and with his cavalier and unthinking propensity to send our forces into harm's way for ill-defined purposes, but the President's failures do not give us any excuse for walking away from this conflict. This fight is not "Clinton's" war; it is America's war, being fought by Americans who are daily risking their lives.

As a constitutional matter, many of us who support this resolution do not believe that it is necessary for it to pass for the President to take whatever steps are necessary to win. He has that authority. Congress has the power to declare war, but the President, as commander in chief, has the power to wage war whether it is declared or not. Others of us take a different view. We believe that the President may only use military force if authorized by Congress. As a practical matter, though, we agree that if we do not prod this President into fighting to win, into doing what is right rather than what his pollsters tell him a transient majority of Americans favor, he will never have the courage to exercise the needed leadership.

Our criticisms are not reserved solely for the President. Many Members are also afraid to take a stand. They do not want to oppose the war, because if the United States wins they want to be able to take credit. Similarly, they do not want to oppose it, because if the United States loses they do not want to take the blame. The leaders of both parties in the Senate have said that now is not the time to debate this issue. We understand that sentiment. Many Members dearly want to wait until the outcome is a forgone conclusion. However, we were not elected to avoid responsibility. We have a duty to defend America's interests as we see them.

Milosevic cannot be allowed to succeed in this genocidal campaign. If NATO cannot stop him, it will lose all credibility and will fall apart. Europe will likely then return to the constant warfare that prevailed before the existence of NATO, and the United States may very well end up getting drawn into yet another world war that will start in Europe. Russia may not like that NATO is opposing one of its allies, but its ally is wrong and NATO has a right to defend Europe from chaos. We can and must win this war. A vote for this resolution is a vote in favor of the proposition that we are willing to do whatever is necessary to win. Unfortunately, the President is lobbying strongly against this resolution because he does not want to be publicly pressured into going beyond the bombing campaign, and many Members on both sides of the aisle are relieved that the President does not want them to take a stand. We are ashamed to say that this President, and a majority of Members, do not have the courage to say publicly what must be done and to commit to getting the job done. We oppose the motion to table this resolution, but we know we are going to lose this vote.